

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE RAY RACINE,

Defendant.

**CR-22-43-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 13, 2024. (Doc. 93.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 12, 2024. (Doc. 92.) The United States accused Dale Racine (Racine) of violating his conditions of

supervised release 1) by failing to comply with his substance abuse testing requirements on two separate occasions; 2) by consuming alcohol; and 3) by committing another crime. (Doc. 85.)

At the revocation hearing, Racine admitted to having violated the conditions of his supervised release by failing to comply with his substance abuse testing requirements on two separate occasions; 2) by consuming alcohol; and 3) by committing another crime. The Court dismissed alleged violation 4 on the government's motion. (Doc. 92.) Judge Johnston found that the violations Racine admitted are serious and warrants revocation of his supervised release and recommends a sentence of 3 months, with 33 months of supervised release to follow. Judge Johnston also recommends that Racine should serve the first 60 days of his supervised release in a secure inpatient drug treatment facility such as Connections Corrections. Racine was advised of his right to appeal and allocute before the undersigned. (Doc. 92.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc.93) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Dale Ray Racine be sentenced to the Bureau of Prison for 3 months with 33 months of supervised release to follow. Racine should serve

the first 60 days of his supervised release in a secure drug treatment facility such as Connections Corrections.

DATED this 29th day of March, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris, Chief District Judge  
United States District Court